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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BIOTECHNOLOGY INNOVATION
ORGANIZATION et al.

Plaintiffs,

v.

ALEX M. AZAR, II et al.,

Defendants.

Civil Case No: 3:20-cv-08603-VC

**PLAINTIFFS' NOTICE OF
VOLUNTARY DISMISSAL**

On December 28, 2020, this Court preliminarily enjoined Defendants from implementing the Centers for Medicare & Medicaid Services' ("CMS") Most Favored Nation (MFN) Model, 85 Fed. Reg. 76,180 (Nov. 27, 2020) (the "MFN Interim Final Rule"). *See* ECF No. 50 (Dec. 28, 2020). Thereafter, following notice and comment, Defendants published a final rule, with an effective date of February 28, 2022, rescinding the MFN Interim Final Rule. *See* CMS, Most Favored Nation (MFN) Model, 86 Fed. Reg. 73,986 (Dec. 29, 2021) (the "Final Rescission Rule"); *see also* CMS, Most Favored Nation (MFN) Model, 86 Fed. Reg. 43,618 (Aug. 10, 2021) (proposed rule). The Final Rescission Rule has since taken effect, and the text of the MFN Interim Final Rule has been removed from the Code of Federal Regulations. Accordingly, Plaintiffs hereby voluntarily dismiss this action without prejudice pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

Mar. 31, 2022

Respectfully submitted,

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